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February 25, 2019

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
455 12th Street SW
Washington, D.C. 20554

Re: *Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz, GN Docket No. 18-122*

Dear Ms. Dortch:

Midcontinent Communications (Midco) strongly believes that any portion of the 3.7-4.2 GHz spectrum band (C-Band) that can be cleared should be reallocated for terrestrial uses, including rural fixed wireless. The C-Band Alliance (CBA) proposal,¹ however, neglects rural America and would exclude operators like Midco from participating in its proposed private auction.

We hereby provide our notice of interest in competing for new terrestrial licenses should the Commission determine that it will auction any reallocated C-Band spectrum. Any auction must be conducted by the Commission, because the Commission, not the CBA, has the Congressional direction to auction spectrum, and the expertise to do so in an efficient and equitable manner.² A

¹ See Letter from Jennifer D. Hindin, Wiley Rein LLP, Counsel for the C-Band Alliance, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122, at p. 2 (Jan. 31, 2019) (CBA Letter); *see generally* Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz, GN Docket No. 18-122, Comments of the C-Band Alliance (Oct. 29, 2018) (CBA Comments).

² “In 1993, Congress authorized the FCC to use auctions to allocate spectrum licenses. . . Congress directed the FCC to design auction procedures that would serve a number of policy objectives. Those objectives include promoting efficient, intensive, and innovative use of the electromagnetic spectrum without excessive concentration of licenses, while advancing economic opportunity and competition by disseminating licenses among a wide variety of applicants.” *SNR Wireless Licenseco, LLC v. FCC*, 868 F.3d 1021, 1026 (D.C. Cir. 2017); *see generally* 47 U.S.C. § 309(j)(1) (“the Commission *shall* grant the license or permit to a qualified applicant through a system of competitive bidding that meets the requirements of this subsection.” (emphasis added)).

Commission-led auction is especially needed when, as with the C-Band, there are multiple applicants with various technologies interested in the spectrum.³

Furthermore, the CBA proposal inappropriately focuses on privately auctioning spectrum for mobile 5G⁴—a small cell technology that requires a network of vertical assets every few hundred or thousand feet. Our fixed wireless network can serve remote areas where a home or two might currently exist every square mile, and where rural flight will continue to shift our sparse population.⁵ An infrastructure-heavy small cell deployment will not serve these areas.⁶

But we can serve rural America *now* with our high-speed, low latency LTE fixed wireless network. With additional C-Band spectrum, we can continue to expand our service to homes within a *7-mile radius* from a vertical asset. CBA's proposal, however, expressly writes off providers like Midco from operating in the C-Band, let alone participating in any auction.⁷

The CBA's proposal clearly advances its own commercial interests, and not those of rural America. The Commission, however, can balance the needs of incumbent operators, urban 5G deployments, and next generation fixed wireless's potential to close the Digital Divide, including determining whether and how to auction reallocated C-Band spectrum.

Sincerely,

/s/ Nicole Tupman

Nicole Tupman
Assistant General Counsel
Midcontinent Communications

³ *SNR Wireless*, 868 F.3d at 1026; *Fresno Mobile Radio, Inc. v. FCC*, 165 F.3d 965, 971 (D.C. Cir. 1999) (“§ 309(j)(3)(B) requires the agency to consider a variety of objectives[.]”).

⁴ *Compare* CBA Letter at 2 (“Mid-band spectrum is essential to extend 5G beyond America’s largest cities, and the CBA proposal provides the only practical way to get mid-band spectrum into the marketplace quickly and efficiently.”), *with* CBA Comments at p. 39-52 (expressly arguing that fixed wireless or P2MP operations should be prohibited in the C-Band).

⁵ *See, e.g.*, Promoting Investment in the 3550-3700 MHz Band, GN Docket No. 17-258, Letter from Midco to Marlene H. Dortch, Secretary, FCC (Oct. 14, 2018) at p. 2-4 & figures 1, 3-5 (explaining rural flight in our footprint).

⁶ While a small cell deployment could be used to serve an event center, the required infrastructure makes it impractical for a large-scale deployment in rural America.

⁷ *See, e.g.*, CBA Comments at p. 39-52.